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In re Application of	:	
ROCHELLE, Gary et al.	:	
Application No.: 10/551,834	:	DECISION
PCT No.: PCT/US04/09962	:	
Int. Filing Date: 01 April 2004	:	TO PETITION
Priority Date: 04 April 2003	:	
Attorney's Docket No.: UTSB:719US	:	UNDER 37 CFR 1.10(c)
For: Polyamine/Alkali Salt Blends For Carbon Dioxide	:	
Removal From Gas Streams	:	

This decision is in response to applicant's "Petition to Accord Filing Date Under 37 CFR 1.10(c)" filed 07 February 2007, requesting correction of the 371(c) filing date, to accord a 371(c) filing date of 17 October 2006 to the above-identified application. No petition fee is required. The petition under 37 CFR 1.10(c) is GRANTED.

BACKGROUND

On 01 April 2004, applicant filed international application PCT/US04/09962, claiming a priority date of 04 April 2003.

On 03 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee, search and examination fees, a preliminary amendment and the surcharge for late filing of an oath or declaration.

On 18 August 2006, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required.

On 17 October 2006, applicant filed a declaration for each of the two inventors of record.

On 22 November 2006, the Office mailed the Notice of Acceptance (Form PCT/DO/EO/903) and the Filing Receipt showing a 371(c) filing date of 26 October 2006.

On 07 February 2007, applicant submitted the present petition under 37 C.F.R. 1.10(c) requesting a 371(c) filing date of 17 October 2006 and a corrected filing receipt. Included with applicants' petition are copies of the "Express Mail" mailing label (EXHIBIT A) and the Transmittal Form (EXHIBIT B).

### DISCUSSION

37 CFR 1.10(c) provides that

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition complies with 37 CFR 1.10(c)(1).

The petition complies with 37 CFR 1.10(c)(2) because an Express Mail mailing number, EV603374207US, appears on the Transmittal Form (See EXHIBIT B). Further, the Transmittal Form specifically indicates that two (2) declarations are being submitted.

The petition complies with 37 CFR 1.10(c)(3) because petitioner has provided a true copy of the "Express Mail" mailing label showing a "Date-In" of 17 October 2006 (See EXHIBIT A).

Based on the presented evidence, it is appropriate to consider that the requirements of 37 C.F.R. 1.10(c) have been satisfied and to accord the instant application a 371(c) filing date of 17 October 2006.

CONCLUSION

Applicant's petition requesting that the application papers be accorded a 371(c) filing date of 17 October 2006 is GRANTED.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing in accordance with this decision. A corrected Notice of Acceptance (PCT/DO/EO/903) and filing receipt will be mailed.



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